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OFFICE OF THE ATTORNEY GENERAL
Division of Environmental Quality, IDHW

AVESF 1.1.1

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MEMORANDUM

DATE: August 12, 1991

TO: Al Murrey
Paul Jehn
Joe Baldwin
Clyde Cody

FROM: Doug Conde *DMC*
Deputy Attorney General

RE: Avery Landing Meeting

We met with Potlatch and the railroad (CMC) regarding the Avery Landing site. Attending the meeting were the following people: Mike Fish, Norm Litton, Mike McNichols from Potlatch; Brian Painter, Richard Clearman, Lisa Prochnow, and myself from DEQ; and Robert Graham and Grace Angelos, attorneys representing CMC.

Prior to the meeting, Potlatch's consultant and DEQ staff had agreed on a remediation plan for the site. The one unknown in the plan is how Potlatch will dispose of the product recovered. This depends, of course, on the characteristics of the product. Potlatch would like to burn the product in its boilers and prepared a cost estimate assuming this was the method of disposal. DEQ indicated that we do not presently have adequate information regarding the product to tell whether this is a possible means of disposal. Specifically, there has been some indication that the product may contain PCBs and heavy metals. Because of this uncertainty, Potlatch and CMC were not able at the meeting to agree to the remediation plan. Instead, there was agreement that further product characterization should be accomplished with the result analyzed by DEQ to determine the nature of the product and the proper method of disposal. We discussed having this process accomplished in the next 30 to 45 days. The only disagreement was over whether CMC should pay the entire cost of the sampling or whether the cost should be split between CMC and Potlatch. CMC and Potlatch will resolve this in the next week or two.

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After the product is more precisely characterized, the parties will again meet to discuss remediation. Both Potlatch and CMC appeared optimistic about reaching a settlement if the product does not contain hazardous waste that will be costly and difficult to deal with. If there are PCBs or other hazardous constituents in the free product, these companies indicated they will have to rethink the costs of remediation versus litigation. Of course, CMC and Potlatch were both interested in bringing other PRPs into the discussion, including Theriault and FHA.

We need to let CMC and Potlatch know what type of sampling we need to determine the characteristics of the free product. We also need to communicate with EPA to determine EPA's intentions with respect to CERCLA. Finally, we agreed to provide Potlatch and CMC with certain documents regarding the site.

DMC/slr

cc: Joe Nagel
Lisa Prochnow